

Chapter 17 -- TRAFFIC*

- Art. I. In General, Sec. 17-1-17-24**
Art. II. Motor Vehicles, Sec. 17-25-17-81
 Div. 1. Generally, Sec. 17-25-17-34
 Div. 2. Moving, Sec. 17-35-17-59
 Div. 3. Parking, Standing and stopping,
 Sec. 17-60-17-81
Art. III. Designation of streets and Intersections,
 Sec. 17-82-17-95
Art. IV. Bicycles, Sec. 17-96-17-98

ARTICLE I. IN GENERAL**Sec. 17-1. Definitions.**

For the purpose of this chapter the following words shall have the meaning indicated:

Crosswalk means that the portion of a roadway at an intersection or elsewhere, distinctly marked for pedestrian crossing by lines painted on the roadway pursuant to a resolution of the council, and that the portion of a private driveway between the street line and the roadway.

Commercial zone means the commercial zone defined in the zoning ordinance but only that portion which lies between the Jail Branch and Gunner's Brook. It also includes streets which border on said commercial zone between said streams.

Driver (also operator) means any person who is in actual physical control of a vehicle.

Emergency vehicle means a vehicle lawfully using flashing lights, siren and duly authorized by the commission of motor vehicles.

Intersection means the area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at any angle, whether or not any such street crosses the other.

Parking or park means the stopping or standing of a vehicle in a street or parking lot, whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose of and while engaged in loading or unloading passengers or goods, or in obedience to a traffic sign, or while making emergency repairs, or an involuntary stopping of the vehicle by reasons beyond the control of the operator of the vehicle.

Parking lot means a public place, off-street, maintained by the city for the parking of vehicles.

Parking meter means any mechanical device or meter which is placed or erected for the regulation of parking within the parking meter zone by authority of the council. Each parking

meter shall indicate by proper legend the legal parking time established for the parking space, and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

Parking meter zone means an area with parking meters.

Parking space means any space in a street which is duly designated for the parking of a vehicle by lines painted or marked on the curb or surface of the street by authority of the council.

Pedestrian means any person afoot, or proceeding on skates, roller skates, or other similar devices or in toy vehicles.

Restricted zone means that portion of a street designated by the council either for the purpose of loading or unloading vehicles, or for bus stops, taxicab stands or other purposes. Traffic signs identifying such zones and their purpose shall be erected on the curb or off-street at each end of the area encompassed and the curb shall be painted yellow for the full length of the area. In lieu of erecting traffic signs, the words, "Restricted Zone" may be painted over the yellow background of the curb. Restricted zone signage shall include the following:

- 1) No Stopping: Vehicles shall not stop except for emergency reasons or upon direction of a law enforcement officer.
- 2) No Standing: Vehicles may stop long enough to discharge a passenger, however they may not be parked even if the driver is behind the wheel and ready to move.
- 3) No Parking: Vehicles may not be left unattended, however, the driver may stay behind the wheel, may stop to load/unload packages, merchandise or passengers may be unloaded/loaded at curbside. (Ord. 2015-02, 8-11-15)

Roadway means that portion of a street or public highway improved for vehicular travel, exclusive of the berm or shoulder.

School grounds means real property under the jurisdiction of the board of school commissioners of the city's school district.

Sidewalk means that portion of a street or public highway between the curblines and the adjacent property lines, intended for use of pedestrians.

Stopping or stop means bringing a vehicle to a halt in a street, other than for the purpose of obeying a regulation, or other of a police officer directing traffic, or pursuant to a law, or an involuntary stopping of a vehicle by reason of causes beyond the control of the operator thereof.

Street means a public street, avenue, alley, highway, lane, path or other place in the city established for use of vehicles.

Traffic sign means all signs, signals and marking placed or erected by authority of laws of the State of Vermont, by authority of the council or pursuant to city ordinances, for the purpose of regulating or directing traffic or the parking of vehicles. (Ord. No. 1983-1, 1-13-83)

Sec. 17-2. Application of chapter.

This chapter shall be applicable to operators of vehicles of all kinds and descriptions, except toy vehicles, and including, but limited to self-propelled highway equipment, except as otherwise specifically provided. A person propelling a pushcart, or riding on an animal, or driving an animal-drawn vehicle shall be subject to the provisions of this chapter, except those provisions which by their nature can have no applications.

Sec. 17-3. Exceptions.

(a) The provisions of this chapter shall not affect traffic signs heretofore legally erected and maintained in the city, until authority therefor is cancelled by the council.

(b) The provisions of this chapter governing the movement, parking and standing of vehicles, shall not apply to emergency vehicles while the drivers of such vehicles are operating the same in an emergency in the necessary performance of duty. Emergency vehicles shall have the right-of-way in any street and through any procession when operated in such emergency, but shall approach all traffic signs with due care and sound a siren to warn of the approach of the vehicle.

(c) Nothing in this chapter shall be interpreted to prevent:

- (1) The police department from clearing needed streets of all vehicular traffic and parking during and preparatory to parades authorized by the council, provided notice of such clearing is published in a local newspaper at least two (2) days before the parade; and
- (2) The officers of the fire department from prohibiting parking on streets near the scene of a fire which the department is attending and engaged in extinguishing, as hereinafter provided; or
- (3) A police officer from ordering removal of a vehicle parked so as to obstruct traffic, due to an accident or other in incident which causes the obstruction of the principal traveled way of a street.

Sec. 17-4. (Repealed Ord. No. 2014-01, 4/22/24)

Sec. 17-5. Authority of police department.

The police department shall have authority to regulate and manage vehicular traffic on any and all streets.

Sec. 17-6. Signs; responsibility of city manager; duty to obey.

The manager is hereby authorized to erect "stop" or "yield" signs in the city at any intersection which in his judgment he deems dangerous and to place or paint on curb or roadway "No Parking" signs in areas or along curbs prohibiting parking in designated areas where he deems traffic control is necessary or where entry and exit to private property is necessary. When such

signs are erected no operator of a motor vehicle shall proceed into an intersection before bringing the vehicle to a full stop for stop signs, and yielding the right-of-way to traffic entering from the preferred street, lane or highway for yield signs, or park in the prohibited area. Each such sign erected shall bear the date of erection and on some part of the sign in reasonably legible lettering, 'per order city manager." Immediately thereafter he shall file a written report of the placement, which report shall become a part of the permanent council records.

This section is not intended to be in conflict with "Regulations Relating to the Establishment of Throughways in the City of Barre-1957," adopted by the council on November 19, 1957, or with "Resolution Relating to Stop Signs and Intersection with Throughways" adopted by the council November 19,1957.

Authority is hereby given to the manager to erect "School zone, children at play" or other signs at locations where warnings are necessary to advise the motoring public to exercise caution.

Sec. 17-7. (repealed Ord. No. 2014-01, 4-22-14)

Sec. 17-8. Direction of traffic.

(a) Officers of the police department are authorized to direct traffic in the streets of the city by voice, hand or signal in conformance with traffic laws and ordinances; provided that in the event of fire or other emergency, or to expedite traffic, or to safeguard pedestrians, they may direct traffic as conditions required notwithstanding provisions of the traffic laws.

(b) Members of the fire department, when at the scene of a fire, shall have the powers granted police officers in subsection (a), but only within five hundred (500) feet of the outer limits of the building or buildings on fire.

(c) It shall be unlawful for the operator of a vehicle to do any act forbidden or fail to perform any act required in this chapter or to willfully fail or refuse to comply with a lawful order or direction of a police officer or member of the fire department given under authority of this chapter or state law.

Sec. 17-9. Collisions; reports required; movement of vehicles prohibited.

(a) The operator of a motor vehicle involved in a collisions in a street or public place in which a person is killed or injured, or in which property damage of apparently five hundred dollars (\$500.00) or more results, shall unless physically incapacitated so as to be unable to do so, immediately notify or cause to be notified the police department, which shall investigate forthwith.

(b) It shall be unlawful for a person to change or alter the position or location of a motor vehicle involved in a collision requiring notification of the police department, until the police officer investigating the collision permits its removal; provided, however, that a person may alter or change the position or location of the vehicle so as to remove an injured person, or to prevent further injury to a person, or to prevent further damage to property, or to remove the body of a

person killed in the collision. (Ord, No. 1983-1, 1-13-83)

Sec. 17-10. Erection and maintenance of signs.

The erection and maintenance of official traffic signs shall be authorized by the city manager or his/her designee, with installation being the duty of the street department. (Ord. No. 2014-01, 4-22-14)

Sec. 17-11. Violators; court proceedings.

A person violating the provisions of this chapter and who has not been convicted of any violation of the same class more than twice prior thereto in the same calendar year in the city, may present himself in police court within three (3) days after such violation and avail himself of the benefit of the procedure in that court, provided, however, that whenever in the opinion of the court the gravity of the offense requires a fine in excess of that within the jurisdiction of the police court, the court may make complaint to the proper prosecuting office of the city, and refuse to deal with the violator further in police court.

Sec. 17-12. Persons obeying police orders not considered violators.

A person obeying an order or signal of a police officer shall not be deemed to have violated a provision of this chapter caused by such obedience.

Sec. 17-13. Duty to obey signs and signals.

It shall be unlawful to fail to observe and follow the directions of traffic signs or traffic control signals erected in the city by authority of the council, and in connection therewith, when applicable, to fail to observe the provisions of state law relating to traffic control signals.

Sec. 17-14. Violations.

(a) It shall be unlawful for the owner of a motor vehicle to suffer, permit, or authorize the use of his motor vehicle in violation of the provisions of this chapter.

(b) The owner of a motor vehicle shall for purpose of this chapter be deemed the person in whose name the vehicle is registered.

(c) The presence of any vehicle in or upon any street, parking lot, school grounds, cemetery grounds or upon any place within the city where the parking, stopping or leaving of a vehicle is governed by this chapter, in violation of any provisions of this chapter, shall be prima facie evidence that the owner of the vehicle committed, suffered or authorized such violation. (Ord. No. 2014-01, 4-22-14)

Sec. 17-15. Penalties

A violation of this section of Chapter 17 shall be a civil matter and enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than \$800 or the amount as set by statute, whichever is higher, may be imposed for a violation of this civil ordinance, however the waiver fee shall be set at:

Unless otherwise stated in this chapter or covered by 23 V.S.A. §1008, waiver fines are as follows:

	Waiver Fine	Civil Penalty
First Offense	\$ 75.00	Not more than \$500.00
Second Offense, within a six-month period	\$100.00	Not more than \$500.00
Third Offense, within a six-month period	\$150.00	Not more than \$500.00

Each time that the violation occurs, it will constitute a separate violation of this ordinance. Any law enforcement officer can enforce this section.(Sec. 17-15) (Ord. No. 2014-01, 4-22-14)

ARTICLES II. MOTOR VEHICLES

DIVISION 1. GENERALLY

Sec. 17-25-17-34. Reserved.

DIVISION 2. MOVING

Secs. 17-35, 17-36. Reserved.

Editor's note- Sections 17-35 and 17-36, relative to weight limits, have been deleted pursuant to Ord. No. 1983-1, adopted Jan.13, 1983.

Sec. 17-37. Speed limits.

(a) No motor vehicle shall be operated or driven upon any street in the city at any time at a rate of speed greater than twenty-five (25) miles per hour, except that the maximum speed of said vehicles on the Montpelier Road between the Berlin Town line and Packard Street shall be forty (40) miles per hour. Suitable signs stipulating these speed limits shall be conspicuously posted at the city lines and at the beginning of the said forty (40) mile per hour zone on the Montpelier Road that enters the city from the Town of Berlin. (Ord. No. 2001-2, 11-18-01, No. 2004-1, 10-21-04)

(b) It shall be unlawful to operate a motor vehicle upon any street in the city at a rate of speed unreasonable or unsafe for conditions then existing, traffic, weather or otherwise; provided, however, that in no case shall a motor vehicle be operated in excess of speed limits hereinafter provided.

(c) Except as otherwise provided, it shall be unlawful to operate a motor vehicle upon a street in the city at a rate of speed over twenty-five (25) miles an hour.

(d) It shall be unlawful on days when schools are in session, to operate a motor vehicle in a school zone, designated by the council, at a rate of speed over twenty (20) miles an hour fixed by the council. (Ord. No. 1988-1, 2-16-88, Ord. No. 2004-1, 10/21/04.)

Sec. 17-38. U-turns; restrictions.

(a) U-turn on Barre City streets shall be limited to a so-called "Vermont U-turn" as outlined in the Vermont Driver's Handbook. Such a U-turn is described as:

1. Approach the side street on your right and turn on your directional light. Drive just past the street and stop.
2. When the side street is clear, back slowly into it. Make sure to back up far enough to clear any crosswalks or stop lines.
3. When there are no vehicles coming, make a proper left turn to complete the turnaround.

(b) No U-turn of any kind shall be allowed on North Main Street, South Main Street, or the side streets intersecting North Main Street or South Main Street. (Ord. No. 2014-04, 11/11/14)

Sec. 17-39. Traffic to obey turn indicators.

Where traffic lanes are so marked as to indicate their use for right turn only, left turn only, through traffic only, or a combination of the same, it shall be unlawful to operate a vehicle except in the direction indicated by the markings.

Sec. 17-40. Left turn; restrictions.

It shall be unlawful to make a left turn into a street or private way, when a traffic sign reading "No left turn" is erected at the intersection of the street or way. (Ord. No. 1983-1, 1-13-83)

Sec. 17-41. Entering intersections and streets; regulations.

It shall be unlawful:

- (a) To enter an intersection from a street on which a STOP traffic sign is erected, without bringing the vehicle to a full stop and then yielding the right-of-way to all vehicles or pedestrians approaching from either direction.
- (b) To enter an intersection from a street on which a "Yield right-of-way" traffic sign is erected, at a rate of speed in excess of that reasonable and safe for then existing conditions, and then yielding the right-of-way to all vehicles and pedestrians approaching from either direction.
- (c) To enter a street from a private way without bringing the vehicle to a full stop and then yielding the right-of-way to all vehicles or pedestrians approaching from either direction.

Sec. 17-42. Driving to right of traffic beacon required.

Vehicles shall be driven to the right of any traffic beacon placed in any street under authority of the council.

Sec. 17-43. Interruption of funeral procession prohibited.

(a) No person shall with any motor vehicle cut in or drive in ahead of any of the vehicles making up a funeral procession, provided such procession is made up of cars or vehicles marked with a printed sign, "Funeral Car." (Ord. No. 2014-01, 4-22-14)

(b) No person shall drive a vehicle around or between vehicles comprising a funeral or other authorized procession, while the procession is in motion; provided, however, that while in motion all vehicles in the procession are designated by a pennant or other insignia approved by the chief of police. While in motion, all vehicles in the procession shall display illuminated headlights and taillights.

Sec. 17-44. Emergency vehicles; duty when approaching.

Upon hearing an emergency vehicle approaching with siren sounding, to fail to pull his vehicle close to the nearest edge of the street as practicable and stop until the emergency vehicle has passed.

Sec. 17-45. Unlawful for parked vehicle to face oncoming traffic.

It shall be unlawful to park a vehicle on any city street in such a manner that the vehicle is facing oncoming traffic.(Ord. No. 1983-1, 1-13-83)

Cross reference-Similar provisions, 17-62(i)(17).

Sec. 17-46. One-way streets; restrictions.

It shall be unlawful to drive into or proceed a street in which is erected a traffic sign reading "One-way" or "One-way street," in a direction opposite to that indicated on the sign by an arrow or other directional sign.

Sec. 17-47. Driving over fire hose, etc., prohibited.

It shall be unlawful to drive a vehicle over any hose of a fire department or of the public works department, when laid down in any street or any other place, without the consent of a member of the fire department or public works department, as the case may be; provided that except in case of hose laid at the scene of a fire, traffic signs shall be erected warning that hose is laid in the street or other public place, as the case may be.

Sec. 17-48. Restricted streets.

Except during hours designated by the council, it shall be unlawful to operate a vehicle, other than an automobile, motorized truck or any other motorized vehicle excepted by the council, upon a street designated as a heavily traveled street by resolution of the council. This shall not bar use of such streets for crossing the same at intersections designated for crossing.

Sec. 17-49. Streets requiring permit for operation of vehicle.

(a) It shall be unlawful to operate a vehicle, whose total weight, including the vehicle, is in excess of three (3) tons, upon a street or portion of a street plainly marked, by traffic sign, "Danger no trucks allowed without police permit," without first procuring a permit from the

manager and the chief of police or their authorized agents. Provided, however, that a street or portion of a street shall not be posted or marked as herein described, unless the council first has the concurrence of a qualified traffic engineer.

(b) A permit shall not be granted to use a street posted as set forth in the preceding subsection, except to owners of vehicles carrying liability insurance of one hundred thousand dollars (\$100,000.00) for a person injured in an accident, and five hundred thousand dollars (\$500,000.00) for more than one person so injured, and property damage insurance of not less than twenty-five thousand dollars (\$25,000.00). The permit shall be issued only for the purpose of making delivery on such restricted street or to pick up personal property from a building on such street.

(c) It shall be unlawful to operate a vehicle, whose total weight, including weight of the vehicle, is in excess of eight (8) tons, upon any street in the city, other than in the commercial zone, streets designated by state officials as numbered state routes or U.S. routes or interstate routes, and other streets plainly marked at each intersection as "Truck route." Provided, however, that such vehicles, except as otherwise provided, may be operated on streets not herein specifically excepted, for the sole purpose of delivering or picking up personal property, and then only by entering the street at the intersection nearest the destination of the vehicle for the purpose of delivering or picking up, and proceeding thereon no farther than the nearest intersection thereafter. This section shall not apply to motor buses traveling on routes approved by any governmental agency.

Sec. 17-50-17-59. Reserved.

DIVISION 3. PARKING, STANDING AND STOPPING

Sec. 17-60. Stop required - For red light.

No person shall drive any vehicle past any traffic light while the same is displaying a red light toward the direction from which said vehicle or person is proceeding. (Ord. 2015-02, 8-11-15)

Sec. 17-61. Same - In certain locations.

The driver of any motor vehicle passing into South Main Street or North Main Street between the intersection of South Main Street and Quarry Street and the intersection of North Main Street and Blackwell Street, shall bring such vehicle to a full stop before such vehicle is driven into said streets.

Sec. 17-62. Parking regulations.

(a) No operator or driver of any vehicle shall stop, stand or park the same in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official sign:

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) Within six (6) feet of a fire hydrant.

- (4) In front of a private driveway.
- (5) On any sidewalk.
- (6) Abreast of another vehicle in any street.

(b) No person shall put, place, or park any vehicle on any public street for the purpose of selling or renting the same or for the purpose of displaying or advertising the same for sale or rent.

(c) Unless otherwise provided, vehicles in the city shall be parked parallel and close to the curb the full length of the vehicle, with right wheels to curb, and, where parking spaces are marked off or painted on the pavement, no driver or operator of any vehicle shall stop, stand or park such vehicle otherwise than wholly within the spaces so marked off or painted.

(d) During the period from the 15th day of November of each year to the first day of April of the following year, no person shall, between the hours of 1:00 a.m. and 6:00 a.m., park any vehicle or permit any vehicle to remain parked on any public highway in the city.

(e) - (h) Reserved.

(i) It shall be unlawful for a person:

- (1) To park a vehicle for a period of more than seventy-two (72) consecutive hours on any street in the city.
- (2) Unless permission is granted by the city manager or his/her designee, to park or stop a vehicle in a restricted zone, except for the purpose of discharging or receiving a passenger, and then only if the zone is not occupied or about to be occupied by a vehicle permitted to use the zone by the city manager or his/her designee. If such vehicle approaches, the vehicle without permission shall immediately vacate the zone.
- (3) To park a vehicle in or upon school grounds from 7:00 p.m. until 9:00 a.m. of the following day, unless permitted to do so by an officer or other person so empowered to grant such permission by the board of school commissioners of the city's school district.
- (4) To park or stop a vehicle in or upon or operate a vehicle in any real property located within a city cemetery from one half hour before sunset until one half hour after sunrise on the following day, without permission of the city manager or his/her designee. The permission shall be in writing and when so parked or stopped shall be exhibited to any police officer requesting to see it.
- (5) To park or stop a vehicle on a crosswalk which has been marked on a street by signs or stripping.
- (6) To park a vehicle along or on a curb, which has been painted yellow by authority of the city manager or his/her designee, unless permission to do so has been granted by the city manager or his/her designee.
- (7) To park a vehicle on any street from which merchandise or service is sold or offered for sale, or displayed for sale or exhibition, without permission of the city manager or his/her designee, with the exception of those vendors who have been issued a vending license pursuant to City Ordinance Sec. 10-16.
- (8) Unless a parking space is otherwise plainly marked on the street, to park a vehicle in any manner other than parallel and close to the curb edge of the traveled way of a street, the full length of the vehicle.

- (9) To park or stop a vehicle within an intersection, or on a bridge or a sidewalk, or in front of a private driveway, or within six (6) feet of a fire hydrant, or abreast of a vehicle parked or stopped at the curb of a street, or so as to obstruct traffic.
- (10) Except where parking of vehicles is permitted, it shall be unlawful to park a vehicle or place or leave anything in a roadway, which may impede or hinder its full and free use by vehicles.
- (11) It shall be unlawful to park a vehicle or place or leave anything which may impede or hinder vehicular traffic where "No parking" traffic signs are erected.
- (12) In the parking meter zone, except in a parking space or as otherwise provided, it shall be unlawful to park a vehicle or place or leave anything which may impede or hinder the full and free use of a roadway by vehicles.
- (13) It shall be unlawful to park a vehicle on any city street in such a manner that the vehicle is facing oncoming traffic.
- (14) It shall be unlawful to park any vehicle, other than one properly displaying a valid handicapped license plate or valid handicapped parking card issued by the Commissioner of Motor Vehicles, in a designated handicapped parking space. (Ord. No. 1987-4, 3-10-87)

Cross reference-Similar provisions, Sec. 17-45.

(j) It shall be unlawful for a person to park any vehicle on any street in such a manner or in any way which may interfere with the prompt and orderly removal or plowing of snow, removal of ice, or sanding or salting or otherwise treating snow or ice by the street department. This section shall be effective only between the hours of 1:00 a.m. and 6:00 a.m. between the 15th day of November of each year and the first day of April of the following year.

(k) For the purpose of cleaning, clearing, oiling, repairing, reconstruction or surfacing a street, sewer or waterline, the street department or the water department or sewage department may close all of a street or part thereof to parking or stopping of vehicles by causing signs to be posted thereon, in conspicuous locations, indicating the prohibition of parking thereon. It shall be unlawful for a person to park a vehicle on a street or part of a street closed under this section.

(l) An officer of the fire department may prohibit parking in street within not more than five hundred (500) feet from the scene of a fire which the fire department is attending and engaged in extinguishing, when deemed such parking interferes or will interfere with fire-fighting and other duties of the department. Signs shall be erected on all streets at the outer limits of the no-parking zone so designated, and the signs shall be removed when the needs of the department no longer require. It shall be unlawful for any person to park or stop or enter with a vehicle any no-parking zone established under provisions of this section unless authorized by an officer of the fire department.

(m) It shall be unlawful for any driver or operator of a motor vehicle to stop or park such vehicle in any area designated as NO PARKING by signage installed by the City of Barre. (Ord. No. 2014-01, 4-22-14)

Sec. 17-63. "No Parking" Zones.

(a) In addition to all other "No Parking" zones established in the City, the following areas are designated as "No Parking" and signed as such:

- Junction of Church and Washington Streets at the eastern point of City Hall Park.
- Downhill side of Auditorium Hill.
- Eastern side of Summer Street between Auditorium Hill and West Street.

(b) “No Parking” regulations for the three areas listed in Sec. 17-63 shall be in effect weekdays. “No Parking” regulations for the three areas listed in Sec. 17-63 shall not be in effect weekends and holidays. (Ord. 2015-02, 8-11-15)

Sec. 17-64. Funeral Parking in “No Parking” Zones.

Vehicles associated with funerals may park in the areas listed in Sec. 17-63. The funeral home overseeing the funeral must inform police department enforcement through email contact at least two hours before the funeral that funeral parking will take place in one or more of the “No Parking” areas listed in Sec. 17-64. Funeral use of the “No Parking” area(s) is limited to no more than three hours. Any vehicle found in the “No Parking” area after three hours is subject to enforcement through ticketing, towing, booting or a combination thereof. (Amended, Ord. 2015-02, 8-11-15)

Sec. 17-65. Same - Violation.

(a) The parking of any vehicle in violation of the parking provisions of this division is hereby declared to be a public nuisance, and the city manager or his/her designee may remove any vehicle so parked or cause it to be removed, at the sole expense of the owner of the vehicle, to any public garage or other place designated by the manager or his/her designee with the city, by towing or otherwise. Owner of vehicle shall be responsible for all towing and storage charges. The storage charge for said vehicles shall not exceed the amount established by Title 23 V.S.A. 1753.(Amended, Ord.1992-2,6-30-92; Ord. 2007-02, 12/04/07).

(b) The police department shall keep a record of each vehicle removed under provision of the preceding subsection. The record shall include the manufacturer's trade name, serial number or motor number of the vehicle, registration number of the motor vehicle if any, and such other descriptive matter as may be necessary to identify the vehicle. The record shall also include the time of the removal, place from which the removal is made, and the reason for removal. The records shall be open to public inspection at the police station. The city manager or his/her designee shall publish in a local newspaper the record of any vehicle which shall remain unclaimed for a period of more than thirty (30) days. Unless the owners has made other arrangements in writing with the city manager or his/her designee.

(c) Before the owner shall be permitted to reclaim a vehicle which has been removed pursuant to this section he shall:

- (1) Furnish satisfactory evidence to the officer in charge of the police station of his identity and his ownership of the vehicle.
- (2) Pay to the department all charges for removing the vehicle and all charges for storing or parking it, as well as any outstanding citations, and for publication of the record or removal, if there has been publication.
- (3) Sign a written receipt acknowledging delivery of the vehicle.

(d) No charges incurred or made under this section shall be in excess of the rate ordinarily charged by the person making such removal or doing such storing or parking, and if such removal, storing or parking is done by the police department such charges shall be in conformity with prevailing rates therefore in the

city.

(e) Any and all expenses incurred by the city, or any of the departments thereof, under and by virtue of this section shall be and become a lien upon the motor vehicle removed, and may be foreclosed in accordance with state law.

(f) No charges made or incurred under this section shall be considered to be a fine, penalty or forfeiture. The removal and storage or parking of any vehicle under this section shall not be a bar to the institution and prosecution of criminal proceedings against the owner or operator of the vehicle. (Ord. No. 1982-5, 12-7-82; Ord. No. 1983-1, 1-13-83; Ord. No. 1983-8, 1-22-83; Ord. No. 2014-01, 4-22-14; Ord 2015-02, 8-11-15)

Sec. 17-66. Parking meter zones - Designated, rates.

Parking meter zones all over the city shall consist of those areas designated by the city manager or his/her designee. Rates for the parking meter zones shall be set by the city council, and upon adoption of the rates the council shall publish in the local newspaper the rate change thirty (30) days prior to the effective date of the rate change. (Ord. No. 1983-1, 1-13-83; Ord. No. 2014-01, 4-22-14; Ord. 2015-02, 8-11-15)

Sec. 17-67. Same - Design standards for spaces.

In the parking meter zone, parking spaces shall be marked upon the street to accommodate the greatest number of vehicles, in accordance with good practice, allowing sufficient space for accommodation of vehicles, and allowing for no parking and restricted zones; shall be located so as not to interfere with vehicular and pedestrian traffic and safety; and shall be in compliance with state and federal standards. (Ord. No. 2014-01, 4-22-14; Ord 2015-02, 8-11-15)

Sec. 17-68. Same - Regulations.

(a) Except in a period of emergency determined by an officer of the fire department or police department, or in compliance with the directions of a police officer directing traffic, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of the vehicle shall upon entering the parking space, immediately deposit or cause to be deposited in the parking meter lawful currency of the United States of America, or other acceptable payment.

(b) After making payment as required in subsection (a) when directions on the meter require, the operator of the vehicle shall also set in operation the meter's timing mechanism in accordance with the directions.

(c) The provisions of subsections (a) and (b) shall not apply when parking a vehicle in a parking space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space, provided that this exemption shall apply only as long as the occupancy of the space does not exceed the unused parking time indicated on the meter.

(d) Rates in the designated parking meter zones shall apply between 8:00 a.m. and 5:00 p.m. except Saturday, Sunday and legal holidays, and any other days fixed by the city manager or his/her designee. (amended, Ord. 1991-1, 3-12-91, Ord.1993-5, 12/24/93)

(e) The collection of money deposited in meters shall be within the jurisdiction of the police department. The moneys so collected shall be stored and secured for deposit by a member of the police department in the office of the treasurer. The office of the treasurer shall be responsible for the preparation for deposit

of the money from the meters. The moneys so collected shall be credited to the parking meter fund.

(f) In lieu of depositing money in parking meters within municipally controlled parking lots the owner of a vehicle may pay the treasurer to purchase a daytime parking permit, the fee for which shall be designated by the city council. Upon adoption of the rate the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Amended, Ord. 1990-5, 4-10-90, Ord. No. 2005-1, 8/18/05)

The treasurer shall issue the person paying for the daytime permit a sticker entitling that person to park their vehicle in the areas designated for daytime permit parking. Such areas shall be designated by the city manager or his/her designee. The vehicle, when parked in the parking lot, shall have the sticker visible in the upper left-hand side (driver's side) of the windshield, below any tint strip and clearly visible to any person monitoring parking permit enforcement.

(g) It shall be unlawful for any person:

- (1) To cause, allow, permit or suffer any vehicle to be parked in violation of the requirements of this article.
- (2) To deposit or cause to be deposited in a parking meter, any coin for the purpose of extending the parking time beyond the maximum period specified on the meter.
- (3) To deposit or cause to be deposited in any parking meter anything other than lawful currency of the United States of America, or other acceptable payment.
- (4) To tamper with, open, break or destroy any parking meter or remove any parking meter without permission of the police department.
- (5) To permit any vehicle to remain in any parking space adjacent to a parking meter while the meter is displaying a signal to indicate that the vehicle occupying the space has already been parked beyond the period prescribed for the parking space.
- (6) To cover a parking meter in any manner, to show that it is not in use, without permission of the city manager or his/her designee.

(h) Daytime permit parking shall be limited to those areas so designated through signage installed by the City. Daytime permit parking is in effect between the hours of 8:00 a.m. and 5 p.m., Monday through Friday. There will be no parking between 1:00 a.m. and 6:00 a.m. every day, except as otherwise provided. (Ord. No. 1976-4, 11-9-76; Ord. No. 1980-1, 2-12-80; Ord. No. 1980-2, 5-13-80; Ord. No. 1981-3, 12-22-81; Ord. No. 1982-3, 8-24-82; Ord. No. 1082-4, 12-7-82; Ord. No. 1982-6, 1-4-83; Ord. No. 1983-1, 1-13-83, Ord. No. 1987-7, 5-5-87, Ord. 1994-9, 11-4-94; Ord. No. 2014-01, 4-22-14; Ord 2015-02, 8-11-15)

Sec. 17-~~67~~ 69. Long-term rental of parking meter spaces.

- (a) Long-term rental, or "bagging" of parking meter spaces is available under the following conditions:
 - i. An application must be filled out at least 48 hours in advance of the requested bagging date(s). Applications will be available through the clerk's office. Approval from both the city manager or his/her designee, and the police chief or his/her designee shall be required on all requests for bagging.

- ii. No parking meter shall be bagged for more than 14 (fourteen) consecutive days without permission from the city manager or his/her designee. (Amended Ord 2015-02, 8-11-15)
- iii. No bagged parking space shall be occupied overnight during the winter parking ban (November 15 through April 1), unless specific approval is granted by the city manager or his/her designee at the time of application.

(b) Fees:

- i. There shall be a parking fee for the use of the parking meter space, equivalent to two times the cost of using the meter for an entire day.
- ii. In addition to the parking fee, there shall be a fee for bagging and bag removal, to be performed by members of the police department. This fee shall be designated by the city council and upon adoption of the fee the council shall publish in the local newspaper the rate thirty (30) days prior to the effective date of the fee.
- iii. Payment of the total fees must be received by the clerk's office before the first bagging date(s).

(c) Enforcement:

- i. Anyone found using unauthorized parking meter bags without the express approval of the city manager or his/her designee shall be subject to fines, vehicle towing or both.
- ii. Any unauthorized vehicle found parked in a bagged parking meter space shall be subject to fines, towing or both. (Ord. No. 2014-01, 4-22-14)

(d) Bagging meters for funerals:

- i. Funeral homes and directors must rent meter bags from the city to be used on parking meters before, during and after funerals. Such bags shall be placed on meters for no more than four hours per funeral service.
- ii. Such meter bags shall be rented from the city on an calendar year annual basis at the fee as designated by the city council. The fee shall be prorated for a period of time less than a calendar year. Refunds are not available.
- iii. The annual rental fee for funeral home meter bags shall be designated by the city council and upon adoption of the fee the council shall publish in the local newspaper the rate thirty (30) days prior to the effective date of the fee.
- iv. Funeral homes shall be responsible for the care of the meter bag(s), and shall pay a replacement fee should the bag(s) be lost or damaged.
- v. Funeral homes may not use any other method of blocking off additional parking spaces, including but not limited to signage or parking cones. Any parking space blocked off for a funeral must be a metered parking space and with a rented bag on the meter.

- vi. Funeral parking in “No Parking” zones must comply with the restrictions laid out in Sec. 17-64 of these ordinances. (Amended Ord 2015-02, 8-11-15)

Sec. 17-70. Parking lot regulations.

In any parking lot in the city, it shall be unlawful for a person:

- (a) To park a vehicle anywhere except in a parking space.
- (b) To park a vehicle more than seventy-two (72) hours consecutively at any time without permission of the city manager or his/her designee.
- (c) To park a vehicle from which merchandise or service is sold or offered for sale, or displayed for sale or exhibition, without permission of the city manager or his/her designee.
- (d) To park a vehicle so that any part thereof extends more than six (6) inches over or on a sidewalk or other pedestrian walk.
- (e) To operate a vehicle at a rate of speed over twenty five (25) miles an hour in any portion of the parking lot.
- (f) To fail to observe traffic signs erected in the parking lot by order of the city manager or his/her designee.
- (g) To park a vehicle in any parking lot between the hours of 1:00 a.m. and 6:00 a.m. every day, except in certain overnight parking areas as designated by the city manager or his/her designee, provided that the owner of the vehicle purchases a special night parking permit from the city treasurer. Overnight permits are available in six months increments: January through June, and July through December. The fee for a permit shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 2005-1, 8/18/05)

The treasurer shall issue the person paying for the permit a sticker entitling that person to park his vehicle in the designated night parking areas as established by the city manager or his/her designee. The vehicle, when parked in the parking lot, shall have the sticker displayed in the upper left-hand side (driver’s side) of the windshield, below any tint strip and clearly visible to any person monitoring parking permit enforcement. (Ord. No. 2014-01, 4-22-14; Ord 2015-02, 8-11-15)

Sec. 17-71. Bus stop zones designated; standards.

Bus stop zones shall be designated by the city council from time to time. The zones are to restricted for use of bus companies to receive or discharge passengers. The council shall also post a sign designation where the bus zoned areas are located. (Ord. No. 1983-1, 1-13-83; Ord 2015-02, 8-11-15)

Sec. 17-72. Loading zones designated.

The loading zones shall be designated by the city council from time to time. The zones are to be restricted for the use of loading and unloading of commercial vehicles engaged in servicing nearby business establishments. The city shall also post a sign designating where the loading zoned areas are located. (Ord. No. 1983-1, 1-13-83; Ord. No. 2014-01, 4-22-14; ord 2015-02, 8-11-15)

Sec. 17-73. Parking violations; fees and penalties.

(a) Any person who has violated any ordinance of the city which regulates, restricts or defines the time or place of parking vehicles in the city or prescribes any traffic regulations may, within fourteen (14) days from the date of such violation, waive the issuing of any process by voluntarily paying to the city treasurer's department the violation fee as herein prescribed. (Ord. 1992-2, 6-30-92, Amended Ord. 2007-02, 12/04/07; Ord 2015-02, 8-11-15).

(b) The violation fee which is paid by any person violating any ordinance regulating, restricting or defining the time or place of parking motor vehicles in the city, or prescribing traffic regulations, shall be designated by the city council and upon adoption of the violation fees the council shall publish in the local paper the fee changes thirty (30) days prior to the effective date of the fee change. Any violation fees that are not paid within the allotted 14 day period will have additional late penalties assessed per violation. Those violation fees that are not paid within 14 days, but are paid within 30 days will pay late penalty fee #1. Those violation fees that are not paid within 30 days will be assessed late penalty fee #2 in addition to late penalty fee #1. Said late penalty fees #1 and #2 shall be designated by the city council and upon adoption the council shall publish in the local paper the late penalty fee changes thirty (30) days prior to the effective date of the late penalty fee changes. Other violations of the ordinances of the city shall be punished in the manner prescribed by law. (Ord. No. 1989-4, 6-6-89, Ord. No. 1992-2, 6-30-92, Ord. No. 2000-03, 6-30-00, Ord. No. 2007-02, 12/04/07).

(1) A person other than a handicapped person, who for his/her own purposes parks a vehicle in a space for the handicapped shall be fined for each violation and shall be liable for towing charges. The fine for each violation shall be designated by the city council and upon adoption the council shall publish in the local paper the fine charge change thirty (30) days prior to the effective date of the fine change. (Ord. No. 1987-4(2), 3-10-87, Ord. No. 2000-03, 6-30-00, Ord. No. 2007-02, 12/04/07)

(c) All money shall be collected by the city treasurer's department. (Ord. No. 1984-2, 6-5-84; Ord. No. 2014-01, 4-2-14)

Sec. 17-74. Impoundment of vehicles by use of an immobilizing device.

(a) The Police Department of the City of Barre is authorized by this section to impound by towing or by use of a so-called "Denver Boot" or other immobilizing device, any vehicle, the owner of which has three or more unpaid Traffic Ordinance violations in a calendar year – or has outstanding Traffic Ordinance violation fees, fines and penalties due to the City of Barre in excess of one hundred dollars (\$100.00). (Amended Ord. No. 2007-02, 12/04/07, Ord. No. 2008-06, 12/16/08)

(b) Notice that the vehicle in question is subject to impoundment must be sent to the registered owner at the address on file with the Vermont Department of Motor Vehicles, by first class mail advising that the vehicle will be subject to impoundment if all pending violations are not paid to the City of Barre within 15 days from the date of said notice.

(c) Vehicles which have the immobilizing device attached must have a "Warning. Do Not Move This Vehicle", sign conspicuously attached to the vehicle as attempting to move the vehicle can result in damage to it.

(d) Owners of vehicles that have been towed pursuant to Sec. 17-73(a) are assessed all towing and storage charges as established by the City's annual contracted towing services provider, in addition to all past due parking violations, fees and penalties; all of which must be paid prior to the release of the vehicle. (Amended, Ord. No. 2007-02, 12/04/07, Amended, Ord. No. 2008-06, 12/16/08)

Owners of vehicles that have the immobilizing device attached to their vehicle pursuant to Sec. 17-73(a) are assessed a fee for removal of the immobilizing device, in addition to all past due parking violations, fees and penalties; all of which must be paid prior to the release of the vehicle. The fee for removal of the immobilizing device shall be designated by the city council and upon adoption the council shall publish in the local paper the fee change thirty (30) days prior to the effective date of the fee change. (Ord. No. 2008-06, 12/16/08)

(e) Notwithstanding the above, when it becomes necessary to remove the vehicle from a public highway by use of a tow truck or wrecker, the registered owner is responsible for the cost of said towing. (Ord. 1995-2, 9-9-95; Ord 2015-02, 8-11-15)

Sec. 17-75. Penalties.

(a) A violation of any portion of Article II of this chapter shall be a subject to ticketing by the police department. The fees for violations of this article shall be designated by the city council and upon adoption the council shall publish in the local paper the fee change thirty (30) days prior to the effective date of the fee change.

(b) Any law enforcement or community service officer can enforce this section. (Ord. No. 2014-01, 4-22-14; Ord 2015-02, 8-11-15)

Sec. 17-76 - 17-81. Reserved. (Ord 2015-02, 8-11-15)

ARTICLE III. DESIGNATION OF STREETS AND INTERSECTIONS

Sec. 17-82. Exceptions to application of article.

This article shall not apply to an intersection when that intersection is controlled either by traffic signals or by members of the police department or fire department controlling traffic.

Sec. 17-83. Reserved.

Editor's note-Pursuant to Ord. No. 1983-1, adopted Jan.13, 1983, Sec. 17-83, designating throughways, has been deleted.

Sec. 17-84. Stop signs; street designated.

The city manager or his/her designee from time to time shall designate placement of stop signs on the street other than throughways, intersecting a throughway, at or near their intersection with throughway. (Ord. No. 1983-1, 1-13-83)

Sec. 17-85. Yield right-of-way signs; street designated.

The city manager or his/her designee from time to time shall designate placement of yield right-of-way signs on streets. (Ord. No. 1983-1, 1-13-83)

Sec. 17-86. One-way streets designated.

The city manager or his/her designee from time to time shall designate placements of one-way street signs with appropriate arrows. (Ord. No. 1983-1, 1-13-83)

Sec. 17-87. No left turn signs; streets designated.

The city manager or his/her designee from time to time shall designate placement of no left turn signs at or near other intersections affected by this prohibition. (Ord. No. 1978-1, 3-21-78; Ord. No. 1983-1, 1-13-83; Ord. No. 2014-01, 4-22-14)

Sec. 17-88 - 17-95. Reserved.**ARTICLE IV. BICYCLES**

Editor's note-Pursuant to Ord. No. 2000-4, adopted June 20, 2000, Sec. 17-96 (k), designating bicycle registration fees, has been deleted. Pursuant to Ord. No. 2014-01 adopted April 22, 2014, Sec. 17-96, bicycle registration; equipment, has been deleted.

Sec. 17-96. Operation; regulations.

It shall be unlawful:

- (a) For any person to operate a bicycle on any way within the city during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, unless said bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet and with a red reflector on the rear of the bicycle.
- (b) For any person to ride upon any bicycle, or other vehicle of like kind or nature, to include in line skates, roller skates and skateboards upon or along any sidewalk.. This section will also apply to any area posted against such use or any area where prior written or verbal notice has been given against such use. (Ord. 2000-4, 7-7-00)
- (c) For more than one person to ride on a bicycle unless it be a tandem equipped with two (2) sets of handlebars, two (2) cranks and two (2) seats. (Ord. No. 2000-4, 7-7-00)
- (d) To operate a bicycle belonging to another, without the consent of the owner.
- (e) To attach a bicycle while the same is being operated in any manner to any motor vehicle upon the highway.
- (f) To ride abreast of another bicycle on any street. (Ord. No. 1985-4, 5-7-85)
- (g) For any person to ride upon any bicycle, or other vehicle of like kind or nature, to include in line

skates, roller skates and skateboards upon or along any city street in such a manner as to obstruct or hinder vehicular traffic.(Ord. No. 2000-04, 7-7-00; Ord. No. 2014-01, 4-22-14)

Editor's note-Pursuant to Ord. No. 2014-01, adopted April 22, 2014, Sec. 17-97, parental responsibility, and Sec. 17-99, authority of chief of police; bicycle court; suspension of license, have been deleted.

Sec. 17-97. Penalties.

Penalty for Section 17-96.

A violation of sections 17-96 of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than \$800.00, or as specified in 24 V.S.A. section 1974a, whichever is greater, may be imposed for a violation of this civil ordinance.

The waiver fee shall be set at:

	Waiver Fine	Civil Penalty
First Offense	\$ 25.00 fine and/or confiscation of bicycle, in line skates, roller skates, and skateboards for seven days	Not more than \$800.00
Second Offense, within a six-month period	\$50.00 fine and/or confiscation of bicycle, in line skates, roller skates, and skateboards for fourteen days	Not more than \$800.00
Third Offense, within a six-month period	\$150.00 fine and/or confiscation of bicycle, in line skates, roller skates and skateboards for twenty-eight days.	Not more than \$800.00

(a) Any law enforcement officer can enforce this section.

(Sec. 17-100, Ord. No. 1985-4, 5-7-85 Amended by Ord. No. 2000-4, 7-7-00; Sec. 17-100 re-numbered as Sec. 17-97, and amended, Ord. No. 2014-01, 4-22-14)

Sec. 17-98. Vehicles on city bicycle paths.

It shall be unlawful for anyone to operate a motorized vehicle of any kind upon the designated bicycle paths within the city, except for authorized emergency vehicles. Bicycle paths will be designated by the city council and will be marked by the appropriate signs. (Ord. No. 1985, 6-11-85, Ord. No. 2000-4, 7-7-00; Ord. No. 2014-01, 4-22-14)

Penalty for Section 17-98.

(a) A violation of section 17-101 of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than \$800.00, or as specified in 24 V.S.A. section 1974a, whichever is greater, may be imposed for a violation of this civil ordinance.

ORDINANCES

(b) The waiver fee shall be set at:

	Waiver Fine	Civil Penalty
First Offense	\$ 75.00	Not more than \$800.00
Second Offense, within a six-month period	\$100.00	Not more than \$800.00
Third Offense, within a six-month period	\$150.00	Not more than \$800.00

(c) Any law enforcement officer can enforce this section.

(Sec. 17-101, Amended and Sec. 17-101k(a)(b)(c) Added by Ord. No. 2000-4, 7-7-00; Ord. No. 2014-01, 4-22-14)